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09/585,812	05/19/2000	James A. Stob	STOB-0001	4117

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EXAMINER

NEURAUTER, GEORGE C .

ART UNIT	PAPER NUMBER
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2143

9

DATE MAILED: 11/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/585,812

Applicant(s)

STOB, JAMES A.

Examiner

George C Neurauter, Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- ☐ Interview Summary (PTO-413) Paper No(s) _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other:

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DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 8 September 2003 have been fully considered but they are not persuasive.

In regards to Applicant's argument that "Archiving" does not disclose "determining if the file name is to be submitted to an Internet cataloging website and/or engine" and also does not disclose "submitting...to at least one Internet cataloging website and/or engine", the Examiner does not agree. "Archiving" expressly discloses:

"To gather the World Wide Web requires computer specifically programmed to "crawl" the net by downloading a web page...[t]his is the technique that the search engines, such as Altavista, use to create their indices to the World Wide Web." [page 4, paragraph 1]

The Applicant argues that "Archiving" within this selection does not disclose the submission of information to a search engine. However, it was well known and used in the art at the time the invention was made that the action of a search engine "crawling" the web site as disclosed within "Archiving" above is an effect of "submitting" a file name such as a URL to a search engine and the "determining" step is also well known to be done when the search engine is "crawling" the web site. The Applicant is invited to consider the cited prior art in this Office Action. Therefore, the arguments presented by the Applicant do not support a sufficient basis for patentability.

In regards to Applicant's arguments that "Archiving" is a non-enabling disclosure, the Examiner traverses these allegations. "Archiving" is an electronic publication that is retrievable from the Internet address

web.archive.org/web/19971011050140/www.archive.org/sciam_article.html. The

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electronic database <web.archive.org> stores Internet content that was posted and available to the general public on the Internet on a particular date. The Examiner notes that, during the search for prior art, "Archiving" was shown to be posted and available to the general public on 11 October 1997, as further shown within the retrieval Internet address of the publication.

MPEP § 2128 "Printed Publications under Prior Art" states:

"A reference is proven to be a "printed publication" upon a satisfactory showing that such document has been disseminated or otherwise made available to the extent that persons interested and ordinarily skilled in the subject matter or art, exercising reasonable diligence, can locate it."

Further, MPEP § 2128 states:

"An electronic publication, including an on-line database or Internet publication, is considered to be a "printed publication" within the meaning of 35 U.S.C. 102(a) and (b) provided the publication was accessible to persons concerned with the art to which the document relates."

"Prior art disclosures on the Internet or on an online database are considered to be publicly available as of the date the item was publicly posted..."

Therefore, "Archiving" falls within the guidelines of the MPEP as to its eligibility as an electronic publication under 35 USC 102(b).

Specification

1. In response to the Examiner's objections regarding the specification, the Applicant has stated that amendments to the specification have been made to the specification in order to comply with the objections. However, in view of the amendments, it does not appear to the Examiner that the Applicant has not done

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anything substantial in terms of the objections to the hyperlinks. Therefore, the Examiner will reiterate the objection to the specification.

2. The disclosure is objected to because of the following informalities:

3. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

Appropriate correction is required.

Claim Objections

4. Claims 6, 16, 17, 19, and 46 are objected to because of the following informalities:

Claim 6 recites, "...further comprises storing the date and time the file name was submitted to at least one Internet cataloging website and the name of the Internet cataloging engine." Claim 16 also recites, "...searching a file containing file names that are not to be submitted to Internet cataloging engines..." Claim 16 later recites, "...if the file name is found in the file containing file names that are not to be submitted to search engines." The use of "Internet cataloging engine(s)", "Internet cataloging website", and/or "search engines" is required to be consistent throughout the claims to avoid antecedent basis issues.

Claim 17 recites "...wherein submitting an acceptable uniform resource locator further comprises..." "Locator" should be "locator".

Claim 19 recites "...storing file names known to be webpages that exit on external..." "Exit" should be "exist".

Claim 46 recites the limitation "anonyminity". "anonyminity" should be "anonymity".

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Appropriate correction is required.

5. The Examiner notes that claims 21 and 23 are duplicate claims dependent on the same claim.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 28-47 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 28 recites the limitation "network cataloger". This limitation was not presented in the specification. Therefore, these claims fail to comply with the written description requirement. If the Applicant disagrees with the Examiner's assertion, the Applicant must cite the specification where the limitation "network cataloger" is adequately described.

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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10. Claim 6 recites the limitation "Internet cataloging website". There is insufficient antecedent basis for this limitation in the claim.

The Examiner will assume that the "Internet cataloging website" is the "Internet cataloging engine" which would give the claim sufficient antecedent basis.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-23 and 25-28 are rejected under 35 U.S.C. 102(b) as being anticipated by "Archiving the Internet" by Brewster Kahle, published 4 November 1996, originally posted 11 October 1997, retrieved from

http://web.archive.org/web/19971011050140/www.archive.org/sciam_article.html

(hereinafter "Archiving").

Regarding claim 1, "Archiving" discloses a website management method for managing a websites visibility on the Internet, comprising the steps of:

retrieving at least one file name; determining if the file name is to be submitted to at least one Internet cataloging engine, and submitting an acceptable uniform resource locator containing the file name to each of the at least one Internet cataloging engines, each submission being made in accordance with a set of rules associated with the corresponding Internet cataloging engine. [pages 3-4, section "Technical Issues of Gathering Data", specifically paragraphs 4-5]

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Regarding claim 2, "Archiving" discloses the website management method as in claim 1, further comprising the step of: storing only the file names known to be webpages. [pages 3-4, section "Technical Issues of Gathering Data", specifically paragraph 4]

Regarding claim 3, "Archiving" discloses the website management method as in claim 2, further comprising the step of: storing the entire file associated with the file name. [pages 3-4, section "Technical Issues of Gathering Data", specifically paragraph 4]

Regarding claim 4, "Archiving" discloses the website management method as in claim 1, further comprising the step of: storing only the file names known to be webpages and were submitted to at least one Internet cataloging engine. [pages 3-4, section "Technical Issues of Gathering Data", specifically paragraph 4]

Regarding claim 5, "Archiving" discloses the website management method as in claim 4, further comprising the step of: storing the entire file associated with the file name that was submitted to at least one Internet cataloging engine. [pages 3-4, section "Technical Issues of Gathering Data", specifically paragraph 4]

Regarding claim 6, "Archiving" discloses the website management method as in claim 4, wherein storing only the file names known to be webpages further comprises storing the date and time the file name was submitted to at least one Internet cataloging website and the name of the Internet cataloging engine. [page 3, section "Preservation of Our Digital History, paragraph 4; pages 3-4, section "Technical Issues of Gathering Data", specifically paragraph 4; page 5, section "Providing Access and New Services", paragraphs 2-5]

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Regarding claim 7, "Archiving" discloses the website management method as in claim 1, further comprising the step of: determining which file names are to be submitted to the Internet cataloging search engine. [pages 3-4, section "Technical Issues of Gathering Data", specifically paragraphs 4-5]

Regarding claim 8, "Archiving" describes the website management method as in claim 1, wherein retrieving at least one file name further comprises the step of: reading file names from a file. [pages 3-4, section "Technical Issues of Gathering Data", specifically paragraphs 4-5]

Regarding claim 9, "Archiving" discloses the website management method as in claim 1, wherein retrieving at least one file name further comprises the steps of: searching the programming code of the file name retrieved for additional file names known to be webpages, and searching each additional file name known to be a webpage for additional file names known to be webpages until all webpages linked from the file name have been exhausted. [pages 3-4, section "Technical Issues of Gathering Data", specifically paragraph 4]

Regarding claim 10, "Archiving" discloses the website management method as in claim 1, wherein retrieving at least one file name comprises the steps of: searching all the file names known to be a webpage within the current directory; traversing each and every directory from the current directory, and searching each traversed directory for additional file names known to be webpages. [pages 3-4, section "Technical Issues of Gathering Data", specifically paragraph 4]

Regarding claim 11, "Archiving" discloses the website management method as in claim 10, further comprising the step of: creating a uniform resource locator by combining the file name with the protocol, domain name, and corresponding traversed

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directory name. [pages 3-4, section "Technical Issues of Gathering Data", specifically paragraph 4]

Regarding claim 12, "Archiving" discloses the website management method as in claim 7, wherein determining which file names are to be submitted further comprises the steps of: checking the date the file name was last submitted to the Internet cataloging engine; checking the submission rules associated with the Internet cataloging engine to submit the file name to, and allowing the file name to be submitted if the date the file name was last submitted does not violate the rules of the Internet cataloging engine.

[pages 3-4, section "Technical Issues of Gathering Data", specifically paragraph 5]

Regarding claim 13, "Archiving" discloses the website management method as in claim 7, wherein determining which file names are to be submitted further comprises the steps of: checking the user defined rules for the number of uniform resource locators to be submitted to the Internet cataloging engine, and allowing the file name to be submitted if the submission does not violate a user defined rule. [pages 3-4, section "Technical Issues of Gathering Data", specifically paragraph 5]

Regarding claim 14, "Archiving" discloses the website management method as in claim 5, further comprising the step of: determining which file names are to be submitted to the Internet cataloging engine. [pages 3-4, section "Technical Issues of Gathering Data", specifically paragraphs 4-5]

Regarding claim 15, "Archiving" discloses the website management method as in claim 14, wherein determining which file names are to be submitted further comprises the steps of: comparing the data associated with the stored file name to the current corresponding file name file data found on the website, and allowing the file name to be submitted to the Internet cataloging engine if the file name file data found on the website

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is different from the data associated with the stored file name. [pages 3-4, section "Technical Issues of Gathering Data", specifically paragraphs 2 and 4-5]

Regarding claim 16, "Archiving" discloses the website management method as in claim 7, wherein determining which file names are to be submitted further comprises the steps of: searching a file containing file names that are not to be submitted to Internet cataloging engines; not allowing the file name to be submitted to an Internet cataloging engine if the file name is found in the file containing file names that are not to be submitted to search engines. [pages 3-4, section "Technical Issues of Gathering Data", specifically paragraph 5]

Regarding claim 17, "Archiving" discloses a website management method as in claim 1, wherein submitting an acceptable uniform resource locator further comprises: determining if the uniform resource locator is in a form acceptable to the Internet cataloging engine, and modifying the uniform resource locator to be in a form acceptable to the Internet cataloging engine the uniform resource locator is to be submitted to, if it is determined to be in a form that is unacceptable to the Internet cataloging search engine. [pages 3-4, section "Technical Issues of Gathering Data", specifically paragraphs 4-5]

Regarding claim 18, "Archiving" discloses the website management method as in claim 1, further comprising the step of: storing file names known to be webpages that exist on the website being managed. [pages 3-4, section "Technical Issues of Gathering Data", specifically paragraph 4]

Regarding claim 19, "Archiving" discloses the website management method as in claim 1, further comprising the step of: storing file names known to be webpages that

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exist on external websites which are not being managed. [pages 3-4, section "Technical Issues of Gathering Data", specifically paragraph 4]

Regarding claim 20, "Archiving" discloses the website management method as in claim 1, further comprising the step of: displaying the uniform resource locators associated with the managed website. [pages 1-2, introduction section, paragraph 4; page 3, section "Perservation of Our Digital History, paragraph 4]

Regarding claim 21, "Archiving" discloses the website management method as in claim 20, wherein displaying the uniform resource locators associated with the managed website further comprises displaying the title within the webpage associated with the uniform resource locator. [pages 1-2, introduction section, paragraph 4; page 3, section "Perservation of Our Digital History, paragraph 4]

Regarding claim 22, "Archiving" discloses the website management method as in claim 20, wherein displaying the uniform resource locators associated with the managed website further comprises displaying the metatag information within the webpage associated with the uniform resource locator. [pages 1-2, introduction section, paragraph 4; page 3, section "Perservation of Our Digital History, paragraph 4]

Regarding claim 23, "Archiving" discloses the website management method as in claim 20, wherein displaying the uniform resource locators associated with the managed website further comprises displaying the title within the webpage associated with the uniform resource locator. [pages 1-2, introduction section, paragraph 4; page 3, section "Perservation of Our Digital History, paragraph 4]

Regarding claim 25, "Archiving" discloses a website management method for managing a websites visibility on the Internet, comprising the steps of: retrieving at least one file name; creating an acceptable uniform resource locator by combining the file

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name with a protocol and a domain name, and submitting the acceptable uniform resource locator containing the file name to each of at least one Internet cataloging engines, each submission being made in accordance with a set of rules associated with the corresponding Internet cataloging engine. [pages 3-4, section "Technical Issues of Gathering Data", specifically paragraphs 4-5]

Regarding claim 26, "Archiving" discloses computer executable software code stored on a computer-readable medium, the code for managing a websites files for submission to at least one Internet cataloging engine, comprising: code for retrieving at least one file name; code for determining if the file name is to be submitted to the at least one Internet cataloging engine, and code for submitting an acceptable uniform resource locator containing the file name to each of the at least one Internet cataloging engines, each submission being made in accordance with a set of rules associated with the corresponding Internet cataloging engine. [pages 3-4, section "Technical Issues of Gathering Data", specifically paragraphs 4-5]

Regarding claim 27, "Archiving" discloses computer executable software code stored on a computer readable medium, the code for managing a website's files for submission to at least one Internet cataloging engine, comprising: code for retrieving at least one file name; code for creating an acceptable uniform resource locator by combining the file name with a protocol and a domain name; and code for submitting the acceptable uniform resource locator to each of the at least one Internet cataloging engines, each submission being made in accordance with a set of rules associated with the corresponding Internet cataloging engine. [pages 3-4, section "Technical Issues of Gathering Data", specifically paragraphs 4-5]

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3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over "Archiving" in view of Kirsch [US Patent 5 659 732].

"Archiving" does not expressly disclose the website management method as in claim 20, wherein displaying the uniform resource locators associated with the managed website further comprises displaying the ranking position of the uniform resource locator within a desired search engine, however, Kirsch discloses that displaying the ranking position of a uniform resource locator within a desired search engine in the context of ranking a particular document collection is well known and used in the art [column 1, lines 33-53, specifically 47-50], therefore, one of ordinary skill in the art would have found it obvious to combine the teachings of these references to achieve the invention as claimed because one of ordinary skill would have been aware of and routinely used the well known subject matter.

Conclusion

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6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent 6 141 653 A to Conklin et al;

US Patent 5 987 454 A to Hobbs;

Addme.com. "Frequently Asked Questions", originally posted 12 April 1997, retrieved from

<http://web.archive.org/web/19970412163934/www.addme.com/faq.htm>;

America Online, Inc. "WebCrawler: Add URLs", originally posted 23 October 1996, retrieved from

<http://web.archive.org/web/19961023235702/www.webcrawler.com/WebCrawler/SubmitURLS.html>.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George C Neurauter, Jr. whose telephone number is

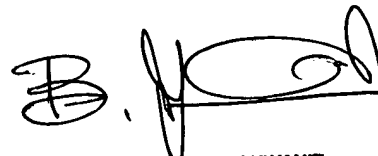
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703-305-4565. The examiner can normally be reached on Tuesday 1-2 pm Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 703-308-5221. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-746-7240.

gcn



BUNJOB JAREENCHONWANIT
PRIMARY EXAMINER